

SECOND REGULAR SESSION

# SENATE BILL NO. 992

93RD GENERAL ASSEMBLY

INTRODUCED BY SENATOR SCOTT.

Read 1st time February 1, 2006, and ordered printed.

TERRY L. SPIELER, Secretary.

3460S.03I

## AN ACT

To repeal sections 188.015 and 188.075, RSMo, and to enact in lieu thereof two new sections relating to medical emergencies, with penalty provisions and an emergency clause.

*Be it enacted by the General Assembly of the State of Missouri, as follows:*

Section A. Sections 188.015 and 188.075, RSMo, are repealed and two new sections enacted in lieu thereof, to be known as sections 188.015 and 188.075, to read as follows:

188.015. [Unless the language or context clearly indicates a different meaning is intended, the following words or phrases for the purposes of sections 188.010 to 188.130 shall be given the meaning ascribed to them] **As used in this chapter, the following terms mean:**

(1) "Abortion", the intentional destruction of the life of an embryo or fetus in his or her mother's womb or the intentional termination of the pregnancy of a mother with an intention other than to increase the probability of a live birth or to remove a dead or dying unborn child;

(2) "Abortion facility", a clinic, physician's office, or any other place or facility in which abortions are performed **or induced** other than a hospital;

(3) "Conception", the fertilization of the ovum of a female by a sperm of a male;

(4) "**Department**", the department of health and senior services;

(5) "Gestational age", length of pregnancy as measured from the first day of the woman's last menstrual period;

(6) "**Medical emergency**", a condition which, on the basis of a physician's good faith clinical judgment, so complicates the medical

**EXPLANATION**—Matter enclosed in bold-faced brackets [thus] in this bill is not enacted and is intended to be omitted in the law.

18 **condition of a pregnant woman as to necessitate the immediate**  
19 **abortion of her pregnancy to avert the death of the pregnant woman or**  
20 **for which a delay will create a serious risk of substantial and**  
21 **irreversible impairment of a major bodily function of the pregnant**  
22 **woman;**

23 [(5)] (7) "Physician", any person licensed to practice medicine in this  
24 state by the state board of registration of the healing arts;

25 [(6)] (8) "Unborn child", the offspring of human beings from the moment  
26 of conception until birth and at every stage of [its] **his or her** biological  
27 development, including the human conceptus, zygote, morula, blastocyst, embryo,  
28 and fetus;

29 [(7)] (9) "Viability", that stage of fetal development when the life of the  
30 unborn child may be continued indefinitely outside the womb by natural or  
31 artificial life-supportive systems.

188.075. 1. Any person who contrary to the provisions of sections 188.010  
2 to 188.085 knowingly performs, **induces**, or aids in the performance **or**  
3 **inducing** of any abortion or knowingly fails to perform any action required by  
4 sections 188.010 to 188.085 [shall be] **is** guilty of a class A misdemeanor, **unless**  
5 **a different penalty is provided for in state law**, and, upon conviction, shall  
6 be punished as provided by law.

7 2. **It shall be a defense for any person alleged to have violated**  
8 **any provision of this chapter that the person performed an action or**  
9 **did not perform an action because of a medical emergency. This**  
10 **defense shall be available in criminal, civil, and administrative actions**  
11 **or proceedings. The defendant shall have the burden of injecting the**  
12 **issue of medical emergency as a defense.**

Section B. Because of the need to ensure the health and safety of any  
2 person obtaining an abortion and to ensure compliance with existing abortion  
3 regulations, section A of this act is deemed necessary for the immediate  
4 preservation of the public health, welfare, peace and safety, and is hereby  
5 declared to be an emergency act within the meaning of the constitution, and  
6 section A of this act shall be in full force and effect upon its passage and  
7 approval.